



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

tiff to repair and replenish their bank stock, further alleging defendants' ratification of such advancement, held to state cause of action as against demurrer, being more specific in their allegations of fact than declarations in indebitatus assumpsit, despite the allegation of ratification, in the nature of a conclusion of fact.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 128.]

Haden & Haden, of Fincastle, for plaintiff in error.

Wm. Kinckle Allen, of Amherst, for defendants in error.

SANDS & CO., Inc. v. NORVELL.

Nov. 20, 1919.

[101 S. E. 569.]

1. Malicious Prosecution (§ 18 (2)*)—Withholding Information of Guilt of Another as Ground of Probable Cause.—A mere undisclosed knowledge of violation of law by another does not afford ground for the arrest and detention of the person withholding the information on the charge that he himself is the guilty party.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 498.]

2. False Imprisonment (§ 13*)—Want of Probable Cause Not Material.—The want of probable cause for issuing a warrant is not essential to the right of recovery for false imprisonment; probable cause being immaterial, except as a matter of mitigation.

[Ed. Note.—For other cases, see 17 Va.-W. Va. Enc. Dig. 407.]

3. False Imprisonment (§ 8*)—Illegal Detention after Valid Arrest.—In view of Code 1904, § 3958, requiring that an officer shall present the person arrested or return the warrant, unless such person be let to bail, one arrested under a valid warrant may recover for false imprisonment, where he was unlawfully detained, after offering bail, and subjected to humiliation and exposure, in order that defendant might interrogate him concerning a crime, and was discharged without a hearing before a magistrate.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 819.]

4. False Imprisonment (§ 36*)—Excessive Damages.—Where plaintiff was a man of fair standing in the community, and had an employment affording a livelihood, which he probably lost by reason of his arrest and imprisonment, and was subjected to humiliation and personal discomfort, and was discharged without a hearing before a magistrate, and his offer of bail was refused, and he was taken to another town and interrogated as to his knowledge of a crime, a verdict for \$1,600 damages was not excessive.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 823.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

5. Appeal and Error (§ 686*)—Sufficiency of Bill of Exceptions as to Disqualification of Juror.—Where a bill of exceptions sets forth only that, presumably by oversight, a juror who had served at a former trial was again sworn and served, and after a verdict defendant's counsel moved to set the verdict aside because of such fact, such bill of exceptions would manifestly be no ground for reversal, since error will not be presumed.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 558.]

6. Jury (§ 110 (7)*)—Failure to Object for Disqualification because of Service at Former Trial.—Where defendant, with knowledge that a juror had served on a former trial of the case, did not object, he cannot complain, irrespective of whether Code 1904. § 3155, providing that no exception to any juror on account of his age or other legal disability shall be allowed after he is sworn, is applicable.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 32.]

7. False Imprisonment (§ 40*)—Instructions on Illegal Detention after Valid Arrest.—Instructions in an action for false imprisonment by illegal detention of plaintiff after a legal arrest held proper.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 819.]

8. Trial (§ 253 (6)*)—Instructions to Disregard Evidence.—Defendant's requested instructions, containing language indicating a purpose of excluding evidence, were properly refused, where there was such evidence, and it was admissible.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 604.]

9. Trial (§§ 253 (8), 260 (6)*)—Instructions Properly Refused as Presenting Only Partial View of Case and Covered by Others.—In an action for false imprisonment, instructions stating the whole issue on the good faith and regularity of the warrant under which plaintiff was arrested, and ignoring the evidence as to the improper treatment of the plaintiff after his arrest, and concluding with directions to find for defendant upon that partial view of the case, held properly refused, particularly where defendant had the benefit of all that could be justly claimed for them,' by reason of other instructions given.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 715.]

10. Trial (§ 260 (6)*)—Refused Instructions Cured by Instructions Given.—In an action for false imprisonment, an instruction given at the instance of defendant, relating to the continuance of the case, and leaving the plaintiff in the custody of the officer, and keeping in another place, held to have cured any error in refusing certain other instructions offered by defendant.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 745.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

11. Trial (§ 252 (1)*)—Refusing Instructions Not Warranted by the Evidence.—It is not error to refuse instructions not warranted by the evidence.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 718.]

12. Trial (§ 133 (2)*)—Sufficiency of Instruction to Obviate Statement of Counsel Outside the Evidence.—Statement of counsel, in action for false imprisonment, that he was not surprised that defendant's agent, who brought about such a condition, was no longer in defendant's employ, which was claimed to be outside the evidence, is not ground for reversal, where the court told the jury to "try and determine the case only on the evidence introduced, * * * and not by argument of counsel," though action of court would hardly be sufficient in cases of remarks calling for emphatic action.

Error to Circuit Court, Amherst County.

Action by Andrew Norvell against Sands & Co., Incorporated, and another. Judgment for plaintiff, and defendant named brings error. Judgment affirmed.

Aubrey E. Strobe and *Edward Meeks*, both of Amherst, for plaintiff in error.

Caskie & Caskie, of Lynchburg, and *Wm. Kinckle Allen*, of Amherst, for defendant in error.

HUTZLER *v.* COMMONWEALTH.

Jan. 22, 1920.

[101 S. E. 785.]

1. Criminal Law (§ 814 (19)*)—Instructions on Aiding and Abetting Other Persons in Storing Liquor Unsupported by Evidence.—In a prosecution for violation of the Prohibition Law, instructions that defendant might be found guilty if he knowingly aided, abetted, or assisted some other person or persons in storing the liquor, the act charged in the indictment, held unwarranted by the evidence.

[Ed. Note.—For other cases, see 17 Va.-W. Va. Enc. Dig. 553.]

2. Criminal Law (§ 814 (19)*)—Instruction for Defendant Not Warranting Unsupported Instruction for Commonwealth as Presenting Counter Theory.—In a prosecution for violation of the Prohibition Law, the commonwealth's instruction, unsupported by evidence, presenting its theory that defendant knowingly aided, abetted, or assisted some other person in storing the liquor, held not warranted on the ground that counter theory was presented by defendant's instruction that, if the jury believed that it was just as proba-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.